

# Exhibit 16

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CHARLIE THORNTON, )  
                        )  
Plaintiff,            )  
                        )  
v.                     )      Case No.: 2:05cv00656- DRB  
                        )  
FEDEX GROUND PACKAGE )  
SYSTEM, INC.,        )  
                        )  
Defendant.           )

PLAINTIFF'S ANSWERS TO FIRST INTERROGATORIES FROM DEFENDANT

COMES NOW, the Plaintiff, Charlie Thornton, pursuant to Rule 33 of the Federal Rules of Civil Procedure and in response to the Defendant's First Interrogatories states as follows:

1. Please identify every location at which you have resided for the last ten years, giving the street address, city, state, and zip code, as well as the length of time that you resided there.

RESPONSE: 75 Pine Court, Millbrook, Alabama 36054 - 8 years

2. Please describe your educational background, including whether and where you attended high school, trade school, college, or graduate school.

RESPONSE: Isabella High School, one year of college at George C. Wallace.

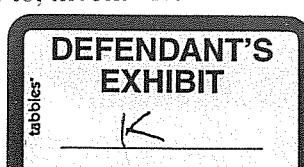
3. Please identify each person, firm, corporation, or other entity for whom or with whom you have been employed for the last ten years, including self-employment.

RESPONSE: I cannot recall but income tax returns can be referenced.

4. With respect to each employer identified in your answer to the foregoing interrogatory, please state the date of your employment; the name of your immediate supervisor(s); the job or position you held or hold; your hours of work; your rate of pay; and the reason for any separation from employment that may have occurred.

RESPONSE: I cannot recall the hours of work, rate of pay. Pay information is on income tax returns. There were various reasons for leaving my employers, but I never was fired from any employment.

5. Please identify all your sources of income, including, but not limited to, income from



employment, self-employment, investments, and property in each calendar year 2000-2005, and current and estimated income for 2006.

**RESPONSE:** No other sources, except as listed in tax returns.

6. Please state the amount of your gross income in each calendar year 2000-2005, and the amount of income you have earned in 2006 as of the date of your response to these interrogatories. For the year 2005, please state your income on a monthly basis and the sources of such income.

**RESPONSE:** Reference income tax returns for 2000 through 2004. For 2005, my total income was \$4,494.09 and 2006 was \$600.00 as of the last week in January, 2006.

7. Please identify any offers of employment or specific employment opportunities that you declined in 2005.

**RESPONSE:** None.

8. Please describe in detail any steps that you have taken to obtain employment elsewhere since you applied to become an independent contractor for FedEx Ground.

**RESPONSE:** I have applied at many of the jobs listed on the attached "Career builder" information sheet. This is not all but it is all have can remember at this time.

9. Please identify each person, firm, corporation or other entity to whom you applied for employment, or made inquiry concerning possible employment, since January 1, 2005, and describe the results of each application or inquiry.

**RESPONSE:** There are too many to list, but most of the employment I have sought was through the internet.

10. Please identify the alleged contract that you assert you entered into with FedEx Ground:  
a. Identify and describe in detail the alleged offer made by FedEx Ground.  
b. Identify and describe in detail the alleged acceptance by the Plaintiff.  
c. Identify and describe in detail the consideration allegedly given.  
d. Identify and describe in detail the terms to which the Plaintiff and FedEx Ground allegedly mutually assented.

**RESPONSE:** a-d. It was explained that if I satisfactorily completed the training and qualified to receive a FedEx truck, I would receive offers for various routes throughout my area. It was explained to me at the first meeting that a number of routes were available in the Montgomery area. I completed all of the training and qualifying per the instructions of FedEx representatives. I worked at the FedEx facilities in Birmingham and Montgomery as

instructed. I purchased all of the equipment and supplies per the instructions. I also entered into a lease/purchase agreement for a special FedEx truck.

11. Please identify and describe in detail any damages incurred by the Plaintiff allegedly resulting from any act or omission on the part of FedEx Ground, including the nature of the damages, the total amount, the method of computation, and any evidence you intend to use to support and substantiate any such damages.

**RESPONSE:** I lost income, I lost medical insurance for the family, stress, my health declined, lost my home due to significant loss in income, depleted my savings and lost the down payment on my truck and tag for my truck. I was extremely embarrassed and humiliated after having to tell family and friends I was no longer employed. Specific number for lost income and expenses have not been calculated but will be made available upon completion.

12. Please specifically identify and describe the ways in which you relied on the alleged agreement with FedEx Ground, and identify any damages allegedly resulting from that reliance, including the method of computing those damages and any evidence you intend to use to support and substantiate those damages.

**RESPONSE:** See answers #10 and #11.

13. Please state the name, address, and type of practice for each physician, psychiatrist, therapist, or other health care professional who has treated and/or examined you in the past five years, and with respect to each physician, psychiatrist, therapist, or other health care professional you identify, please state generally the nature of the services rendered and the dates on which each physician, psychiatrist, therapist, or other health care professional treated and/or examined you.

**RESPONSE:** I saw Dr. Marla Wool on August 10, 2005 at Millbrook Family Medicine, 3351 Main Street, Millbrook, Alabama, 36054 for hypertension. I paid \$475.00 for the tests with my credit card due to not having insurance. I could not afford the medicine so she gave me samples. My health has never been a problem with the exception of having a cold or the flu.

14. Please identify anyone who has knowledge of the mental and emotional anguish for which you are seeking damages and, for each person identified, state the subject matter of their knowledge and the basis for such.

**RESPONSE:** Jeff Owens, David Murabito, Debbie Thornton, Steve Lewis, Tammy Lewis, Robert Hall, Larry Lewis, Glenn Brock, Jim Carrigan, Philip and Phonda Garrett, Omar Newman, Kent Gastineau, Chad Primus, Arnold and Barbara Dean, Willie Durham, Mike McDonald, and Roger Beckham. All these people are either friends or relatives who know what I went through and

what I am going through regarding my dealings with Defendant.

15. Please identify and detail the substance of any conversation between the Plaintiff, or any of his representatives or attorneys, and any attorney, employee, agent, official, or representative of FedEx Ground that relates in any way to the matters alleged in your Amended Complaint.

**RESPONSE:** Plaintiff has produced a copy of recorded conversations between himself and representatives of Defendant. Otherwise, Plaintiff had numerous conversations with representatives of Defendant during his tenure of training in both Birmingham and Montgomery. Many of the conversations involved Kent Gastineau. These conversations were held at the Montgomery location of Defendant. The original conversation involved Stan Trott.

16. To the extent not identified elsewhere in your answers, please identify each individual whom you believe may have any knowledge whatsoever relating to the allegations that are the subject matter of this lawsuit, and describe the basis of that individual's knowledge.

**RESPONSE:** Plaintiff will amend when newly discovered evidence becomes available. Those persons recorded on the previously referenced audio tape recordings. See also responses to Interrogatory numbers 14 and 15 herein.

17. Please identify each person whom you expect to call as an expert witness at trial, either through affidavit, deposition or live testimony (or a combination thereof).

**RESPONSE:** Plaintiff will submit in accordance with Civil Rules of Procedure and the Scheduling Order.

18. Please identify all documents withheld by you or your counsel on the basis of any privilege or protection, stating the basis of your privilege or protection claim.

**RESPONSE:** None.

19. Please identify by case, style, forum, and case number any lawsuit ever filed by or against the Plaintiff.

**RESPONSE:** There was a worker's compensation lawsuit in the late 1970's, but I cannot remember the case number or forum.

20. Please identify and detail any complaint - formal, informal, or legal - that has ever been lodged against you, and/or any proceedings of any nature to which you were a party, including any complaint or proceeding brought in any manner before any professional association or government regulatory body.

**RESPONSE:** None.

21. Please identify any crimes, including felonies, misdemeanors, and moving violations, of which you have ever been convicted, or for which you have ever been arrested or received a citation.

RESPONSE: I have only had a speeding ticket about 4 to 5 years ago.

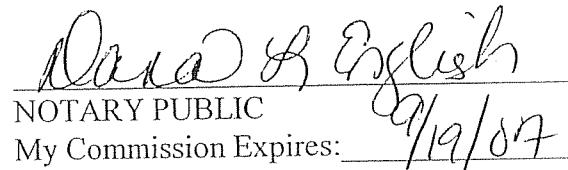
22. Please identify the person(s) who answered these interrogatories, and all persons who assisted you or were consulted in answering these interrogatories.

RESPONSE: Myself and the Law Offices of Jay Lewis.

Dated this 23<sup>rd</sup> day of February, 2006.

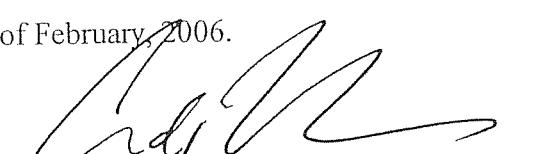
  
CHARLIE THORNTON

SWORN TO AND SUBSCRIBED before me on this the 23<sup>rd</sup> day of February, 2006.

  
NOTARY PUBLIC  
My Commission Expires: 9/19/07

(SEAL)

Respectfully Submitted this the 22 day of February, 2006.

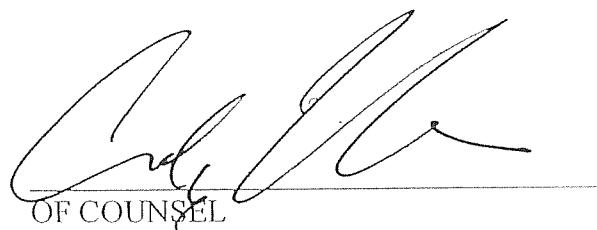
  
ANDY NELMS (NEL022)  
Attorney for Plaintiff

Law Offices of Jay Lewis, L.L.C.  
Post Office Box 5059  
Montgomery, Alabama 36103  
(334) 263-7733

CERTIFICATE OF SERVICE

I hereby certify that I have served an exact copy of the foregoing on counsel of record listed below by placing same in the United States mail postage prepaid and properly addressed on this the 7<sup>th</sup> day of February, 2006.

John Robert Parker, Jr.  
Spotswood, LLC  
2100 Third Avenue, North  
Concord Center, Suite 940  
Birmingham, AL 35203



John Robert Parker, Jr.  
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OF COUNSEL